

ORIGINAL

INDIANA UTILITY REGULATORY COMMISSION

Emergency Rulemaking

IURC RM #12-07

LSA #12-\_\_\_\_\_(E)

Pursuant to IC 8-1-1-3(g) and IC 8-1-2-113, and as required by the provisions of IC 4-22-2-1, *et seq.*, the Indiana Utility Regulatory Commission (the "Commission") on November 21, 2012, at 2:00 p.m. EST in Judicial Courtroom 222, PNC Center, 101 W. Washington Street, Indianapolis, Indiana, at which time a majority of members of said Commission were present, adopted the foregoing rule, which amends 170 IAC 1-6-3 and 170 IAC 1-6-6 of the Commission's Thirty-day Administrative Filing rule regarding intrastate access tariff filings, and revoked the prior emergency rule adopted on November 7, 2012.

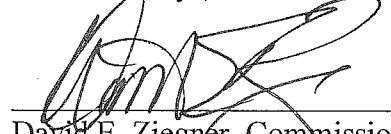
The Secretary of the Commission is hereby directed to file the foregoing rule with the publisher, Indiana Register, Indiana Legislative Services Agency.

  
James D. Atterholt, Chairman

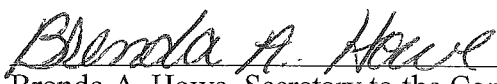
  
Kari A.E. Bennett, Commissioner

ABSENT  
Larry S. Landis, Commissioner

  
Carolene Mays, Commissioner

  
David E. Ziegner, Commissioner

ATTEST:

  
Brenda A. Howe, Secretary to the Commission

Date:

NOV 21 2012

# Rule Signature Page

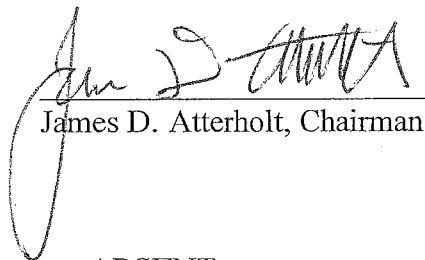
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Rule #: LSA #12-\_\_\_\_\_(E)  
Agency: Indiana Utility Regulatory Commission  
Subject: Amends 170 IAC 1-6-3 and 170 IAC 1-6-6 of the Commission's Thirty-day Administrative Filing rule regarding intrastate access tariff filings

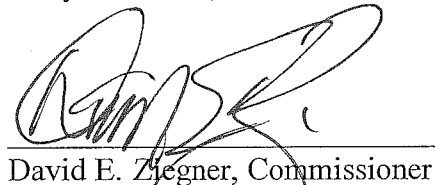
## ADOPTED:

By the Indiana Utility Regulatory Commission

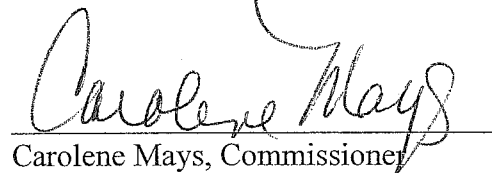
Date: NOV 21 2012

  
James D. Atterholt, Chairman

ABSENT  
Larry S. Landis, Commissioner

  
David E. Ziegner, Commissioner

  
Kari A. E. Bennett, Commissioner

  
Carolene Mays, Commissioner

## ACCEPTED FOR FILING:

By: \_\_\_\_\_  
Indiana Register  
Legislative Services Agency

Date: \_\_\_\_\_

# **TITLE 170 INDIANA UTILITY REGULATORY COMMISSION**

## **Emergency Rule LSA Document #12-\_\_\_\_(E)**

### **DIGEST**

Temporarily amends 170 IAC 1-6-3 to allow intrastate access tariff filings to be filed under the commission's 30 day administrative filing rule. Temporarily amends 170 IAC 1-6-6 to provide an alternative means for utilities filing intrastate access tariff changes to provide the required notice. Statutory authority: IC 8-1-1-3(g) and IC 8-1-2-113. Effective November 21, 2012.

**SECTION 1. (a) This SECTION supersedes 170 IAC 1-6-3.**

**(b) The following types of filings are allowable under the procedures and guidelines of 170 IAC 1-6:**

- (1) Rates and charges for new services.**
- (2) New rules and regulations of the utility.**
- (3) Changes to rules and regulations of the utility.**
- (4) Nonrecurring charges.**
- (5) Changes to rates and charges so long as the change:**
  - (A) is revenue neutral within a specific rate schedule; or**
  - (B) results in an overall decrease in the revenues of the utility and is done on an across-the-board basis to all classes of customers.**
- (6) A request by a clean energy resource for approval of an alternative equation to determine the number of clean energy credits earned for the useful thermal energy produced.**
- (7) Intrastate access tariff filings.**
- (8) A filing for which the commission has already approved or accepted the procedure for the change.**
- (9) Any other filing as may be ordered by the commission to be filed under this rule.**

**SECTION 2. (a) This SECTION supersedes 170 IAC 1-6-6.**

**(b) A utility that intends to make a filing under 170 IAC 1-6 shall provide notice prior to the filing date by:**

- (1) posting the notice described in subsection (d):**
  - (A) in a public place at the utility's local customer service office or offices, to the extent the utility has such offices; and**
  - (B) in an obvious place on the utility's website, which at a minimum is a link on the Indiana homepage of the utility's website, if the utility has a website; and**

(2) publishing the notice described in subsection (d) in at least one (1) newspaper of general circulation that has a circulation encompassing the highest number of the utility's customers affected by the filing.

(c) Notice for intrastate access tariff filings may be made by:

(1) following the procedures in subsection (b); or

(2) sending a written notice to each of its intrastate access charge customers via:

(A) electronic; or

(B) regular  
mail.

(d) At a minimum, the notice shall contain the following information:

(1) A brief but accurate description of the filing, including the following:

(A) The nature of the filing.

(B) Which customers may be affected.

(C) How those customers may be affected.

(2) The expected filing date.

(3) The date by which approval of the filing is expected.

(4) The contact information, to which an objection should be made, for both the:

(A) secretary of the commission; and

(B) OUCC.

(e) If a utility filing under this rule is already required to provide notice pursuant to a commission order, the notice requirements may be combined into one (1) notice; however, the notice at a minimum shall contain the information required in subsection (d).

(f) Commission staff shall post the filing to the commission's electronic gateway as soon as possible on or after the filing date.

**SECTION 3. SECTIONS 1 through 3 of this document expire on February 19, 2013.**